



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) Siavash Alamouti, et al
Serial No. 09/594647 09/594, 467
Filing Date June 14, 2000
Title Methods and Apparatus for use in Communicating Voice and
High Speed Data in a Wireless Communication System
Attorney Docket No.: 1999-0342

COMMISSIONER FOR PATENTS
Patent and Trademark Office
WASHINGTON, D. C. 20231

PETITION UNDER 37 CFR 1.47(a) TO FILE THE ABOVE IDENTIFIED
APPLICATION WITHOUT THE SIGNATURE OF AN UNREACHABLE
JOINT INVENTOR

SIR:

1. This is a petition under 37 CFR 1.47, to file, the above-identified application, without the signature of an unreachable joint inventor.
2. The petition is made on behalf, of the all joint inventors, Siavash Alamouti, Jeffrey Battin, David B. Gibbons, James Timothy Golden, Michael R. Hirano, Elliott Hoole, Mary Jesse, Robert Lee Maxwell, Steven E. McMeekin, David J. Nix, Gregory J. Veintimilla and Hongliang Zhang who are reachable and the joint inventor who "cannot be reached after diligent effort" (37 CFR 1.47(a)).
3. The inventor who is unreachable is:
David James Ryan, a citizen of the United States of America,
whose last known residence address is 4096 Piedmont Avenue,
#353, Oakland, Alameda County, California 94611.

BEST AVAILABLE COPY

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4. The diligent effort to reach the joint inventor who cannot be found is evidenced in the attached Declaration Of Facts by Ann E. Taylor. Ann E. Taylor is the "person having firsthand knowledge of the facts" (M.P.E.P. 409.03 (a) and 409.03 (d)).

5. A Declaration and Oath signed by the available joint inventors is attached hereto. (37 C.F.R. 1.63 & 37 C.F.R. 1.64).

6. A Petition for Extension of Time for this application has been filed, and, accordingly, this application is properly pending. A Copy of the Petition for Extension of Time for this Application, together with a copy of the Notice to File Missing Parts of Application are attached. The originals were filed in the Applications Branch.

7. Please charge AT&T Deposit Account No. 01-2745 the sum of \$130.00, the petition fee required by 37 C.F.R. 1.17 (h). In the event of non-payment or improper payment of a required fee, the Assistant Commissioner is authorized to charge or to credit AT&T Deposit Account 01-2745 as required to correct the error.

8. In view of the above, your petitioner respectfully requests that the Commissioner grant this petition under 37 C.F.R. 1.47 (a).

9. Please address all correspondence to Mr. S. H. Dworetzky, General Attorney, AT&T Corp., P. O. Box 4110, Middletown, New Jersey 07748.

Respectfully,

Date: 11/20/00

By: Thomas M. Isaacson
Thomas M. Isaacson, Attorney
Reg. No. 44,166
(T): 410-257-5485
(F): 732-368-6932
AT&T Corp.
P. O. Box 4110
Middletown, New Jersey 07748



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) Siavash Alamouti, et al
Serial No. 09/594647 09/594,467
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COMMISSIONER FOR PATENTS
Patent and Trademark Office
WASHINGTON, D. C. 20231

DECLARATION OF FACTS UNDER 37 C.F.R. 1.47(a)

SIR:

I, Ann E. Taylor, hereby declare and say that:

1. I am the Outside Counsel Coordinator for AT&T Corp. and, as such, I am familiar with and have first-hand knowledge of the facts recited below.
2. The above-identified application was originally filed naming David James Ryan as a joint co-inventor.
3. After the application was filed, the joint inventor, David James Ryan, was unreachable and accordingly was unable to sign the Oath or Declaration as required under 37 C.F.R. 1.63.
4. The circumstances surrounding the inability to find or reach the joint inventor, David James Ryan, was that diligent effort was made to have David James Ryan sign the Oath or Declaration as required by 37 C.F.R. 1.63.

5. The exact facts which are relied upon to establish that a diligent effort was made to have the joint inventor David James Ryan sign the Declaration and Oath are as follows:

a) On July 19, 2000, I sent a correspondence via Airborne Express to the joint inventor David James Ryan, advising, that the above-identified application had been filed and requesting, to execute the Declaration and Power of Attorney form and Assignment and Agreement form. Included with the correspondence was a copy of the above-identified application with drawings, Declaration and Power of Attorney form and Assignment and Agreement form. (See attached Exhibit A). The package was returned by Airborne Express as "undeliverable" on July 27, 2000. (See attached Exhibit B).

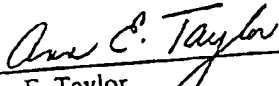
b) On August 13, 2000, I sent the correspondence of July 19, 2000, via U. S. Express Mail, to the joint inventor David James Ryan, advising, that the above-identified application had been filed and requesting, to execute the Declaration and Power of Attorney form and Assignment and Agreement form. Included with the correspondence was a copy of the above-identified application with drawings, Declaration and Power of Attorney form and Assignment and Agreement form. (See attached Exhibit C).

c) The U. S. Express Mail with the original correspondence and the attachments were returned back with the handwritten notation on the envelope "Moved, Return to Sender." (See attached Exhibit D).

d) I subsequently sent an e-mail to the Patent Coordinator for Mr. Ryan's former employer on July 27, 2000, asking if she knew of David Ryan's current address. Ms. Tarr replied by saying "Nope, the address I have is the same as what you have. Let me see if anyone here knows his new address." (See attached Exhibit E). No further response was received from Ms. Tarr.

6. Based on the foregoing sequence of events, and copies of the documentary evidence submitted herewith, the undersigned establishes that a diligent effort was made to find the inventor, David James Ryan.

7. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.


Ann E. Taylor
Outside Counsel Coordinator

Nov. 27, 2000
Date

Exhibit A



Ann E. Taylor
Intellectual Property - Law

Room E4-3B12
200 Laurel Avenue
Middletown, NJ 07748 U.S.A.
PHONE (732) 420-5622
FAX (732) 368-6932

July 19, 2000

Mr. David J. Ryan
4096 Piedmont Avenue, #353
Oakland, California 94611

Dear Mr. Ryan:

RE: Docket No. 1999-0342
Methods And Apparatus For Use In Communicating Voice And High Speed
Data In A Wireless Communication System

Enclosed is a copy of the above-identified patent application that was filed in the U.S. Patent Office on June 14, 2000. Also enclosed are the formal documents you must sign in order to complete the patent filing requirements.

After reviewing the application, please read both the Declaration and Power of Attorney and the Assignment and Agreement, then sign and date them—in blue ink as your name is typed—on the same date at the appropriate place on each document in the presence of a Notary Public. **Note that your signature on the Assignment is the only one that must be notarized.** (AT&T will reimburse you for any notarization costs you incur; please include a statement of such costs.) Please return the signed documents to me as soon as possible, using the enclosed self-addressed, stamped envelope.

Also enclosed are Assignment forms for the Mexican and Argentine patent applications for this invention. Please sign and date the forms as indicated and return them to me with the U.S. forms. **No notarization is required for these Mexican and Argentine forms.**

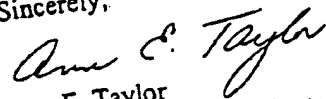
Please be advised that we share a legal obligation to advise the U.S. Patent and Trademark Office of the existence of any and all relevant prior art documents, including journal articles, patents, conference proceedings, and any other published items, as well as any past commercial activity that a Patent Examiner would consider material to examining your patent application for purposes of novelty and non-obviousness. If you

are aware of any such materials that may have a bearing on your patent application, please inform Thomas M. Isaacson (301-812-1047) immediately.

The copy of the application is yours to keep for your files. Please remember that this is proprietary to AT&T and should be treated in accordance with company policy.

Thank you for your cooperation.

Sincerely,



Ann E. Taylor
Outside Counsel Coordinator

Atts.

As stated

Copy (w/o attachments) to:

R. Garg

T. M. Isaacson, Esq.

R. Tarr

Exhibit B



Ann E. Taylor
Intellectual Property - Law

Room E4-3B12
200 Laurel Avenue
Middletown, NJ 07748 U.S.A.
PHONE (732) 420-5622
FAX (732) 368-6932

July 19, 2000

Mr. David J. Ryan
4096 Piedmont Avenue, #353
Oakland, California 94611

Dear Mr. Ryan:

RE: Docket No. 1999-0342
Methods And Apparatus For Use In Communicati
Data In A Wireless Communication System

*Returned by
Disbursed Expense
as undeliverable
on July 27 —*

A. Taylor

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the U.S. forms. No notarization is required for these Mexican and Argentine forms.

Please be advised that we share a legal obligation to advise the U.S. Patent and
Trademark Office of the existence of any and all relevant prior art documents, including
journal articles, patents, conference proceedings, and any other published items, as well
as any past commercial activity that a Patent Examiner would consider material to
examining your patent application for purposes of novelty and non-obviousness. If you

Exhibit C



Ann E. Taylor
Intellectual Property - Law

Room E4-3B12
200 Laurel Avenue
Middletown, NJ 07748 U.S.A.
PHONE (732) 420-5622
FAX (732) 368-6932

ER 61831664205

July 19, 2000

Mr. David J. Ryan
4096 Piedmont Avenue, #353
Oakland, California 94611

Dear Mr. Ryan:

RE: Docket No. 1999-0342
Methods And Apparatus For Use In Communicating Voice And High Speed
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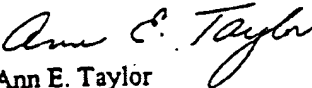
Please be advised that we share a legal obligation to advise the U.S. Patent and Trademark Office of the existence of any and all relevant prior art documents, including journal articles, patents, conference proceedings, and any other published items, as well as any past commercial activity that a Patent Examiner would consider material to examining your patent application for purposes of novelty and non-obviousness. If you

are aware of any such materials that may have a bearing on your patent application, please inform Thomas M. Isaacson (301-812-1047) immediately.

The copy of the application is yours to keep for your files. Please remember that this is proprietary to AT&T and should be treated in accordance with company policy.

Thank you for your cooperation.

Sincerely,


Ann E. Taylor
Outside Counsel Coordinator

Atts.

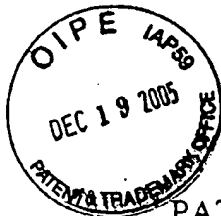
As stated

Copy (w/o attachments) to:

R. Garg

T. M. Isaacson, Esq.

R. Tarr



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Methods And Apparatus For Use In Communicating Voice And High Speed Data In A Wireless Communication System**, the specification of which was filed on June 14, 2000, as application Serial No. 09/594,467.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) or 365(a-b) of PCT or foreign application(s) for patent or inventors' certificate listed below or priority benefits under 119(e) of any United States provisional application(s) listed below and have also identified below any foreign application for patent or inventors' certificate having a filing date before that of the application on which priority is claimed:

U.S. Provisional Application Serial No. 60/140,649 filed June 23, 1999

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Samuel H. Dworetsky	(Reg. No. 27873)	Robert B. Levy	(Reg. No. 28234)
Thomas A. Restaino	(Reg. No. 33444)	Susan E. McGahan	(Reg. No. 35948)
Michele L. Conover	(Reg. No. 34962)	Gary H. Monka	(Reg. No. 35290)
Cedric G. DeLaCruz	(Reg. No. 36498)	Jeffrey M. Navon	(Reg. No. 32711)
Rohini K. Garg	(Reg. No. 45272)	Stephen J. Pentlicki	(Reg. No. 40125)
Thomas M. Isaacson	(Reg. No. 44166)	Alfred G. Steinmetz	(Reg. No. 22971)
Benjamin S. Lee	(Reg. No. 42787)		

I also appoint Terrance A. Meador (Reg. No. 30298), James P. Cleary (Reg. No. 45843), Travis L. Dodd (Reg. No. 42491), Charles D. Gavrilovich, Jr. (Reg. No. 41031), Gerald W. Maliszewski (Reg. No. 38054), John J. Oskorep (Reg. No. 41234), Steven R. Sprinkle (Reg. No. 40825), Mark M. Takahashi (Reg. No. 38631) and Barry N. Young (Reg. No. 27774) of Gray Cary Ware & Freidenrich as associate attorneys, with full power to prosecute said application, to make alterations and amendments therein; and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to Mr. S. H. Dworetsky, AT&T Corp., P.O. Box 4110, Middletown, New Jersey 07748. Telephone calls should be made to Thomas M. Isaacson at 301-812-1047.

Full name of 1st joint inventor: Siavash Alamouti

Inventor's signature  Date 10/25/00

Residence: Seattle, King County, Washington

Citizenship: Canada

Post Office Address: 907 East Howe Street
Seattle, Washington 98102

Full name of 2nd joint inventor: Jeffrey Battin

Inventor's signature

Jeffrey Battin

Date *7/25/2000*

Residence: Duvall, King County, Washington

Citizenship: United States of America.

Post Office Address:

31408 NE 163rd Street
Duvall, Washington

98019

Full name of 3rd joint inventor: David B. Gibbons

Inventor's signature D. B. Gibbons Date 7/27/2000

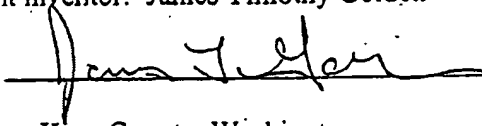
Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 23006 NE 18th Court
Redmond, Washington 98053

Full name of 4th joint inventor: James Timothy Golden

Inventor's signature



Date

8/24/00

Residence: Carnation, King County, Washington

Citizenship: United States of America

Post Office Address:

9333 318th Place NE
Carnation, Washington

98014

Full name of 5th joint inventor: Michael R. Hirano

Inventor's signature Michael R. Hirano Date 7/24/2001

Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 9309 138th Court NE
Redmond, Washington 98052

Full name of 6th joint inventor: Elliott Hoole

Inventor's signature Elliott Hoole Date 7/30/01

Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 22207 NE 28th Place
Redmond, Washington 98053

Full name of 7th joint inventor: Mary Jesse

Inventor's signature Mary Jesse Date July 28, 2000

Residence: Issaquah, King County, Washington

Citizenship: United States of America

Post Office Address: 19301 SE 16th Street
Issaquah, Washington 98026

Full name of 8th joint inventor: Robert Lee Maxwell

Inventor's signature Robert L. Maxwell Date 7/27/00

Residence: Duvall, King County, Washington

Citizenship: United States of America

Post Office Address: 28319 NE 147th Court
Duvall, Washington 98019

Full name of 9th joint inventor: Steven E. McMeekin

Inventor's signature *Steven E. McMeekin* Date *July 27, 2000*

Residence: Nederland, Boulder County, Colorado

Citizenship: United States of America

Post Office Address: 1155 Lazy Z Road
Nederland, Colorado 80466

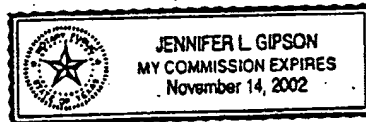
Full name of 10th joint inventor: David J. Nix

Inventor's signature David J. Nix Date 9-1-00

Residence: Austin, Travis County, Texas

Citizenship: United States of America

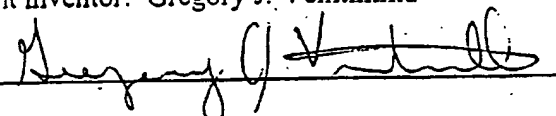
Post Office Address: 124 Medalist Drive
Austin, Texas 78734



State of Texas
County of Travis

Jennifer L. Gipson 9-1-00

Full name of 12th joint inventor: Gregory J. Veintimilla

Inventor's signature  Date 8/30/00

Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 23415 NE 27th Street
Redmond, Washington 98053

Full name of 13th joint inventor: Hongliang Zhang

Inventor's signature

Date

[Signature] July 26, 2000

Residence: Bellevue, King County, Washington

Citizenship: Canada and People's Republic of China

Post Office Address:

14703 NE 39th Street, #1023
Bellevue, Washington

98007

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